



City of Dublin

Land Use and Long Range Planning

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PLANNING AND ZONING COMMISSION

MEETING MINUTES

FEBRUARY 7, 2013

AGENDA

CASES

1. Tuttle I-270 PUD - Nationwide
13-001AFDP
(Approved 7 – 0 - Text Modification)
(Approved 7 – 0 - Amended Final Development Plan)
5525 Parkcenter Circle
Amended Final Development Plan
2. Lowell Trace – Section 2 - Lots 62, 63, and 64
12-088AFDP/FP
(Approved 7 – 0 – Minor Text Modification)
(Approved 7 – 0 - Amended Final Development Plan)
(Approved 7 – 0 - Revised Final Plat)
6432 and 6444 Phoenix Park Drive
6455 Newgrange Drive
Amended Final Development Plan
Revised Final Plat
3. Celtic Crossing
12-082 Z/PDP/PP
(Approved 7 – 0 - Rezoning with Preliminary Development Plan)
(Approved 7 – 0 - Preliminary Plat)
Hyland-Croy Road
Rezoning with Preliminary Development Plan
Preliminary Plat

Chair Chris Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Richard Taylor, Amy Kramb, Warren Fishman, John Hardt, Victoria Newell, and Joe Budde. City representatives were Steve Langworthy, Claudia Husak, Jennifer Readler, Jennifer Rauch, Justin Goodwin, Aaron Stanford, Tina Wawszkiewicz, Alan Perkins, and Flora Rogers.

Motion and Vote

Mr. Taylor moved to accept the documents into the record as presented. Mr. Fishman seconded the motion. The vote was as follows: Ms. Newell, yes; Mr. Budde, yes; Mr. Hardt, yes; Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Motion and Vote

Ms. Newell moved to accept the January 3, 2013 meeting minutes as presented. Mr. Taylor seconded the motion. The vote was as follows: Mr. Budde, yes; Mr. Hardt, yes; Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; Mr. Taylor, yes; and Ms. Newell, yes. (Approved 7 – 0.)

Motion and Vote

Mr. Fishman moved to reschedule the second meeting of March from March 14, 2012 to March 13, 2013 due to a conflict with the State of the City Address. Ms. Newell seconded the motion. The vote was as follows: Ms. Kramb, yes; Mr. Hardt, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Taylor, yes; Ms. Newell, yes; and Mr. Fishman, yes. (Approved 7 – 0.)

Communications

Claudia Husak reported that City Council approved the rezoning for the retail project on Perimeter Drive that Paul Ghidotti brought to the Commission a couple of months ago. She said that they are looking forward to beginning construction soon.

Ms. Husak confirmed that everyone interested is registered for the APA Conference.

Ms. Husak said that in light of every Commissioner being fairly comfortable using their City-issued iPads, the goal was to do away with paper materials, other than the plans which are supplied by the applicants, beginning with the March 7th Commission meeting, unless the Commissioners want to start next week. [No one responded.] She said if there are any issues, contact her or call her to let her know they are stopping by the office for help. Ms. Husak said naming conventions, or anything else that can be done to help troubleshoot can be sent to her via email. She said she would be happy to hear the suggestions, because she is looking at everything from how she uses it and she did not want to prescribe to the Commissioners at all. She asked that if there are issues, they should let Planning know so that they can work on them.

Amy Krumb asked that the naming convention discussion be delayed until the Commission Roundtable.

Administrative Business

Ms. Amorose Groomes announced that the three cases on the agenda were all eligible for consent.

Richard Taylor said he would like to discuss all three cases.

Victoria Newell referred to the email sent by Mr. Hardt earlier today and asked what was the response to his question. She said she had the same concern as Mr. Hardt, and was wondering what was precipitating that application.

Ms. Husak said that for Case 3 - Celtic Crossing, a communication from Planning was sent to the Commissioners members earlier today in the DropBox folder and paper copies were available.

Ms. Amorose Groomes determined that the three cases would be heard in the order of the published agenda. She briefly explained the rules and procedures of the Planning and Zoning Commission.

1. Tuttle I-270 PUD - Nationwide 13-001AFDP

5525 Parkcenter Circle Amended Final Development Plan

Chair Chris Amorose Groomes introduced this application requesting to replace an existing ground sign located along Parkcenter Circle for the Nationwide office building within the Tuttle I-270 Planned Unit Development District. She said the application will require two motions.

Ms. Amorose Groomes swore in those intending to address the Commission in regards to this case including Stanley Young III, Columbus Sign Company, 1515 East Fifth Avenue, Columbus; representing the applicant, DP Parkcenter Circle LLC, 600 E. 96th Street, Suite 100, Indianapolis, Indiana, and City representatives.

Jennifer Rauch presented this application for review and approval of an amended final development plan, which requires a text modification. She said the existing two; five-story buildings are connected by a glass atrium. She said access to the site is provided off Parkcenter Circle.

Ms. Rauch said the site currently contains two signs. She said for the existing sign located on I-270 is not proposed to change as part of this proposal. She said the subject of this application is the replacement of

the sign located in the entrance island off Parkcenter Circle with a sign that matches the design of the sign on I-270. She said the proposed sign includes the logo for Nationwide, which is the blue frame with the center removed, and the Nationwide copy on the bottom. She said the proposed sign meets Code with the exception of the size of the secondary image. She said ten feet is the overall height, and they are permitted up to a 15-foot high sign. Ms. Rauch said as proposed, the sign meets location and color requirements.

Ms. Rauch said given the unique design of the sign with the opening in the center, it was determined by Planning that they would calculate the area of this sign in terms of the logo without the empty space inside the blue rectangle. The logo size would then be 14.5 square feet, larger than the maximum permitted secondary image size, which is 10 square feet, so a text modification is required to accommodate that. Ms. Rauch said that Planning is recommending approval for modification of the development text to permit the secondary image size at 25 percent of the maximum permitted area for this subarea of the text, and is also recommending approval of the amended final development plan with no conditions.

Stanley Young III, Columbus Sign Company, representing the applicant DP Parkcenter Circle LLC, said that Nationwide in trying to continue their effort to maintain a consistent identity, want to replace the sign and bring it into conformance with the image that they want to present. He said the proposed sign represents a sign that is currently available, and if approved by the Commission, it would be submitted for a sign permit before installation.

Ms. Amorose Groomes asked if anyone wished to make any public comment regarding this application. [There was none.]

Amy Kramb asked how the size of the square on proposed sign compared to the one on I-270, which looked huge.

Ms. Rauch said that the overall area of the sign on I-270 is 77 square feet.

Ms. Kramb noted that the proposed sign is 43 square feet and asked if the area is measured the same.

Ms. Rauch confirmed that was correct if they were measuring around the perimeter of each sign. She explained that since the sign was on I-270, an increased square footage is allowed, so they are permitted up to 80 square feet.

Richard Taylor said he had big concerns about this because this was not the way that we have measured sign areas in the past. He said that the Commission has seen numerous signs and presentations about how sign areas are calculated. He recollected using a case with channel letters as a good example that they drew a large square around the whole sign, and the area of the sign that is within that bounding box where it touches the edges of the sign. He said that they have not picked out the circle in the middle of the 'O' or the space between the letters, or any of that kind of thing. Mr. Taylor said that the space between that is as much a part of the sign as anything else. He said if it was transparent glass, it would be the same. He said in his opinion, the size of the secondary image on this proposed sign is 43 square feet, which is four times what is permitted, not 14 square feet. Mr. Taylor said that he could not support a sign that large.

Warren Fishman said if approved, this would start a dangerous precedent. He asked if the sign on I-270 met Code.

Ms. Rauch explained that the I-270 sign was measured using the outer edges of the sign and no account was taken for it being Nationwide's logo because they said that was the frame of their sign. She said that interpretation could have been taken for this sign as well, but their logo is Nationwide's sign. She said

they could be permitted up to 50 square feet if Planning were going to interpret it this way. She said that on I-270 the sign area, including the blue frame and everything, totaled 80 square feet and it was not accounted for that being a logo. She said typically, the blue square would be limited to 20 percent of those 80 square feet, and that was not how the existing I-270 sign was constructed or approved. Ms. Rauch said that Nationwide's other signs in other locations are calculated the same way as the I-270 sign. She said however, given the recent discussions between the Commission and Planning about logos and how they are going to be calculating that, Planning interpreted this proposed sign this way. She said that for the Audi sign, they removed the internal part of the rings for Audi, and approved that proposed sign with their logo as well.

Claudia Husak said that previously when the Nationwide signs were approved, the blue square was not considered as a logo.

Ms. Amorose Groomes said she did not know that the logo relation to the text is really the concern. She said she thought the greatest concern was the calculation omitting the interior portion of the sign. She said she thought the relationship between text and logo is less important than the overall size of the sign.

Ms. Rauch said if the Commission did not want to interpret it that way, the applicant would either have to shrink the entire sign because the logo would have to be 20 percent or it could be calculated the way it has been calculated in every other instance for the sign with 50 square feet permitted, not considering it to be a logo.

Ms. Kramb asked what the total area of the proposed sign would be if calculated the other way.

Ms. Rauch said it would be 43 square feet. She said what was permitted per Code is 50 square feet.

Ms. Kramb said she was more comfortable calculating the sign area as it had been done previously, and not changing the text to allow a large secondary image. She said she had no problem with the look of the sign, but she thought it was a little large for what was needed. She reiterated that she was not willing to change the text to allow this sign.

Victoria Newell said she agreed. She said if the area was subtracted out for other signs, it would become too complicated to look at a proposed signs consistently and fairly.

Ms. Amorose Groomes said that Mr. Taylor's description of channel letters was very illustrative of that cutting out the middle of every 'O' and 'P' could become very confusing at the minimum.

Ms. Newell noted that the proposed sign at the entry drive was higher than the sign being replaced. She asked if it would be located past the sight visibility triangle.

Ms. Rauch confirmed that the Engineering had determined that the proposed sign was set back far enough to meet that requirement.

John Hardt said he had nothing against the great corporate citizen, Nationwide Insurance and wanted to be as helpful as possible. He said he thought the sign was very creative. He said however, the problem was with the paper trail that will be created. He said he would like to find another way to do this. Mr. Hardt said he agreed with Mr. Taylor that every single channel letter sign the Commission has seen had holes in it, and they have never discounted the hole. He said to take this proposed sign and measure it like every other sign at 43 square feet it would meet the Code and the only hurdle is how to measure the secondary image.

Ms. Newell asked if it was felt that they would be providing the same consistency to this applicant since the way their existing sign was viewed previously when it was committed.

Mr. Hardt said this is a PUD, and they are requesting an amendment to a final development plan for a sign that is unique. He said it seemed that somewhere there was an opportunity to approve this specific sign.

Ms. Husak suggested that the only thing they could do was to say that it is not the logo or a secondary image, otherwise, they will have to modify the text.

Mr. Hardt said although it was not germane to this case, he did not realize that the Audi logo was calculated the same way, and he was really disappointed to hear that. He said he would not have voted for it if he had known that. He said if it was included in the Planning Report, he missed it or it was absent. Mr. Hardt said he was open to suggestions on different ways to get a conclusion that this applicant wants.

Mr. Taylor pointed out that the proposed text amendment would increase the sign area from 20 percent to 25 percent. He said the other interpretation is that this is not a secondary image, and if not, this is all moot because it is an acceptable sign without any issues. Mr. Taylor said that a secondary image typically would be a sign shape with text and an additional graphic or something that is a secondary image. He said it seemed acceptable to him that if this was a large sign and on the left side, it had a square with Nationwide inside, that would be considered a secondary image on the sign. Mr. Taylor said in this case, it seems that the secondary image and the sign are the same thing. He said if it was considered that this is just a big blue sign cabinet with a big hole in the middle with the word 'Nationwide' on it and there is no secondary image involved, it was acceptable. He said he understood that Nationwide intended it to be their logo and it is used as their logo, but it may not be being used as a logo in this particular case.

Mr. Fishman asked if it was a solid blue sign would it meet the Code.

Ms. Amorose Groomes said at 43 square feet it would be meet Code.

Ms. Kramb said that it came down to the definition of a secondary image.

Mr. Taylor suggested that the problem was that it was being called a secondary image, which it would be if it were on a larger sign field, but it is not.

Mr. Hardt said that hypothetically, if this were H&R Block and that was a green square without a hole, it would be exactly what was being described, and it would meet Code.

Ms. Husak pointed out that the green block was the H&R Block logo. She said that the Nationwide blue square is their logo, and a logo is a secondary image.

Ms. Amorose Groomes asked for solutions to be suggested that would create a proper paper trail.

Ms. Husak said that the only option that Planning sees if the Commission is okay with the sign at the proposed size with this arrangement is to amend the text to allow secondary images to be 43 square feet.

Ms. Kramb said she was not willing to amend the text because of future applications that might be submitted. She reiterated that she was okay with the proposed sign, but not with the signs of the next tenant in the building.

Mr. Hardt asked if there was a mechanism that they could amend the text to allow secondary image in the case of this user, and not future users.

Ms. Readler said she thought that with any text there is always going to be the argument about consistency and the application of it, but she thought they could put limitations because they are making modifications to the text that work consistently if they approve that any new sign will have to come in subsequent reviews that are necessary.

Steve Langworthy suggested there could be the caveat that other Nationwide signs on the campus are computed in the same way and that way it would be consistent.

Mr. Readler said then, they would have more substantiation for allowing for interpreting it this way for one particular sign and not creating precedent in any way, but calculating it and construing it as secondary images, and they need to be careful of that.

Ms. Amorose Groomes said she thought it was important that we communicate that we calculate this sign as a whole, and not a circle. She said that she personally would like not to ever see another sign come before the Commission calculated in that manner again. She said she also missed it on the Audi sign. She said although the Commission had discussed handling signs with secondary logos differently, they were letting the secondary logo images become larger, but she did not recall them ever talking about not calculating all of the area.

Ms. Newell said she did not think it was clear to any of the Commissioners the last time. She said she did not even remember that being presented that Planning subtracted a portion of the area when they looked at the rings in the Audi sign.

Ms. Amorose Groomes reiterated for the record that she did not want to ever see another sign before the Commission calculated this way. She requested that Ms. Readler to suggest the best way to get from Point A to Point B.

Ms. Readler said the best mechanism to add would be a condition on the amended final development plan approval, and that Ms. Husak was drafting one.

Mr. Taylor suggested a way to determine a secondary image was that it had to be secondary to something, and this is not secondary to anything. He said this was primary in this case that also happens to be a logo, and maybe the Audi sign was also calculated that way. He said it did not say 'Audi' on the sign, it just had the four rings so that was the sign.

Ms. Krumb said when the secondary image is the whole sign, then it should be considered differently.

Ms. Amorose Groomes asked if every logo is a secondary image or if it is just a logo, is it then the primary image.

Mr. Taylor said he thought they all agreed that the sign was not too big. He said it was just an esoteric question if it was a secondary image and how big it was, and if there are signs relating to them. He said he was willing, unless it was felt it would cause problems in the future, to consider this as being a blue sign with a hole in it and the word 'Nationwide' at the bottom and there is no secondary image, in which case it goes away.

Mr. Langworthy said that would be the cleanest way to handle it.

Ms. Krumb agreed.

Mr. Taylor said he was not in favor of continually granting exceptions and a little here and there because it erodes the paper trail and consistency that we are trying to have.

Ms. Newell pointed out that McDonald's sign with golden arches could be interpreted as a logo or the whole text that spells out their name. She said this proposed sign is similar because it says 'Nationwide' as part of that logo and how has been consistently measured and applied when they are looking at measuring that logo.

Ms. Amorose Groomes said in particular, some of the McDonald's signs just have the 'M' without a red backdrop or anything.

Ms. Newell asked if they clearly saw the 'M' as a logo and it was a logo when it is a part, so is this a logo when it is Nationwide's name.

Ms. Readler said if it was their goal was to make signs like this not be construed as the secondary image, they may need to tweak that language a little and just doing a brief review of the definitions because of the way they interplay, not necessarily from the secondary image definition.

Ms. Newell clarified that her question was in terms of how Planning has reviewed something like McDonald's where there are both a recognizable logo image that is included with the name of the company.

Ms. Husak said that a business name is a business name and would by definition be considered the primary image. She said if it is 'McDonald's' including the arch, it is the business name. She explained that if it was just the 'M' arches, then they would look at it as a secondary image or as their logo. She said it was the business name that is exempted from the definition. She said that was a conversation the Commission had when they were discussing the logos, sizes, and colors of logos.

Mr. Taylor referred to the comment Mr. Hardt made earlier about this being a creative sign. He recalled that the Commission discussed creative signs, but they never fully vetted out whether fish, bicycles, and all that would be considered secondary images. He recalled that in the Bridge Street Corridor, they were interested in having signs as much as they could reasonably do so, that reflected the nature of the business in the actual design of the sign, and not just logos and text. He said maybe this is an example of exactly that in they have a creative sign and the shape of the sign reflects the nature of the business that qualifies as a secondary logo. Mr. Taylor said as a group, the Commission and Planning agree, maybe the solution here is to disapprove this application and let it go with a sign that meets the Sign Code.

Ms. Krumb said she would like to limit the text modification to the tenant, Nationwide. She said she was okay with the sign proposed, but she did not want to leave the door open for all future logos for other tenants. She said she agreed with Mr. Taylor's idea that because there is no primary image, then the secondary image becomes the whole sign and it is just a sign that meets Code.

Ms. Rauch clarified that the 'Nationwide' text was the primary image as defined by the Code because that was their business name.

Mr. Taylor said the question was, 'Is there a secondary image?'

Ms. Amorose Groomes said that everything without the word 'Nationwide' was considered a secondary image. She said that if it did not say, 'Nationwide' on the sign, there could an argument, but it does.

Ms. Newell said that was what she was getting to in terms of McDonald's because we interpret when the 'M' is included with the text that it is not considered a secondary image, and that is what she thought they had in this instance.

Ms. Amorose Groomes said although on the whole, it meets the Code, but it does not meet the letter of the law.

Ms. Kramb said that it meets the number, but does not meet the definition.

Ms. Newell said if it was a big blue box, the proposed sign would be fully compliant with the Code, and there would be no issue.

Ms. Rauch proposed the following text modification:

1. To allow the secondary image size to be 45 square feet for a sign along Parkcenter Circle within Subarea A of the Tuttle I-270 PCD.

Ms. Kramb said she was satisfied but wanted to make sure the condition is specific to this tenant.

Ms. Newell requested that something be added to the text in regards to the uniqueness of the sign.

Mr. Hardt referred to the Code, 'Signs shall be designed with a maximum of creativity and the highest volume materials and applications.' He said that fact that they are meeting that standard was why he was okay with what they were seeing.

Ms. Newell said that it should be put in the text because it is unique. She suggested copying the Code and including it in the development text.

Mr. Taylor said the potential problem will be that either the Commission or Planning will be placed in the position of informing an applicant that they do not like a sign someone else thought was a creative sign.

Ms. Newell said that when aesthetics and creativity are applied it is always going to create a subjective interpretation from them.

Ms. Rauch proposed the following language for the Minor Text Modification:

1. To allow the secondary image size to be 45 square feet for a sign along Parkcenter Circle within Subarea A of the Tuttle I-270 PCD for the tenant occupying 5525 Parkcenter Circle at the time of the approval of this application because the proposed sign is designed with creativity and high quality materials and fabrication.

Mr. Hardt asked if Nationwide was indeed a 'tenant.'

Mr. Young confirmed that Nationwide was a tenant.

Motion #1 and Vote - Minor Text Modification

Mr. Taylor moved to approve this Minor Text Modification allowing the secondary image size to be 45 square feet for a sign along Parkcenter Circle within Subarea A of the Tuttle I-270 PCD for the tenant occupying 5525 Parkcenter Circle at the time of the approval of this application, because the proposed sign is designed with creativity and high quality materials and fabrication.

Mr. Young, on behalf of the applicant, agreed to the Minor Text Modification.

Ms. Newell seconded the motion.

The vote was as follows: Ms. Kramb, yes; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; Mr. Budde, yes; Ms. Newell, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Motion #2 and Vote - Amended Final Development Plan

Mr. Taylor moved to approve this Amended Final Development Plan application because it complies with Code, as modified the applicable review criteria and the existing development in the area, with one condition:

- 1) That any future sign modifications require approval by the Planning and Zoning Commission.

Stanley Young III, on behalf of the applicant agreed to the above condition.

Ms. Kramb seconded the motion.

The vote was as follows: Ms. Amorose Groomes, yes; Ms. Newell, yes; Mr. Fishman, yes; Mr. Hardt, yes; Ms. Kramb, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

**2. Lowell Trace – Section 2 - Lots 62, 63, and 64
12-088AFDP/FP**

**6432 and 6444 Phoenix Park Drive
6455 Newgrange Drive**

Amended Final Development Plan/Revised Final Plat

Chair Chris Amorose Groomes introduced this application requesting a modification to an approved development text to revise the No-Build Zone requirements for three developed single family lots and to revise the Final Plat accordingly. She said the site is located north of Phoenix Park Drive, west of Newgrange Drive, and west of the intersection with Tullymore Drive. She said the application will require three motions. Ms. Amorose Groomes said that the Commission is the final authority on the proposed text modification and final development plan and the revised final plat will be forwarded to City Council on the Commission's recommendation.

Ms. Amorose Groomes swore those intending to address the Commission in regards to this application including the applicant Christopher Cline, Blaugrund, Herbert, & Martin, (300 West Wilson Bridge Road, Worthington, Ohio) and City representatives.

Claudia Husak said that Planning was approached by the new owner of Lot 64 who was trying to get a zoning clearance prior to or after purchasing this residence. She explained that there was a deck located in the No-Build Zone (NBZ), and to receive a clearance from Zoning for this lot the only available avenue is to change the NBZ created on the plat. She presented a graphic showing the distance of the existing NBZ for the three lots. She noted that the surrounding lots have 35-foot NBZ to the north and a 30-foot NBZ to the west. She said this proposal is to continue those two lines and take the hatched area on the approved Final Plat out of the NBZ.

Ms. Husak said that the Minor Text Revision requested is in the Development Text and graphics showing how the lots are laid out and created and where setbacks are supposed to be and where houses are supposed to be are included in the meeting packets. She pointed out that one of the graphics had a note saying 'That No-Build Zones should be 100 feet from the right-of-way for lots that are not corner lots.' She demonstrated where the 100-feet from the right-of-way would have been measured from the line back. Ms. Husak said that Planning is recommending a text modification to no longer require these three lots to have to adhere to that note in the development text.

Christopher Cline, Blaugrund, Herbert, & Martin, said that this was a February 1988 rezoning. He explained that the NBZ mentioned in the text says no fences or outbuildings, so the deck and the at-grade patio was the issue raised by the title company. He said as a real estate lawyer, that it was not a fence or an outbuilding, and that is okay and it has been since the house was built in the 1990s. Mr. Cline said the problem they had now is that there are different definitions of NBZs.

Mr. Cline said the other issue is the matter of interpretation that this minimal graphic says has the language that the NBZ ends up being measured 100 feet from the street. He said never in their history have they measured rear setbacks from the street. He said they have always been measured from the rear property line. He said the out is that the text said '...except for corner lots'. He said these are arguably corner lots and that may well be why this produced this non-sensible resolve on the plat presented not as part of the zoning, but later in the year, in September. Mr. Cline said the engineer measured apparently from the street, even though he would argue that these looked like corner lots. He said that Planning cannot accept that interpretation because in the current Code there is another way of finding what is or is not a corner lot.

Mr. Cline suggested that what mattered was what the intention was in 1988. He said it seemed to him and he thought to Planning, that why there were lines across the middle of these lots for the NBZ where there was nothing special and why should these lots not be treated the same as all the lots. He suggested if these three lots could be treated the same way as all the others are treated, and measure the same distance from the rear line in defining what the NBZ is which solves the problem. He said it also gives the residents a lot more usability of their rear lots.

Ms. Amorose Groomes asked if there was anyone who wished to make a public comment in regards to this application. [There was none.]

John Hardt said his question had been answered by Mr. Cline's explanation. He asked if this issue was preventing a closing or had the property been sold.

Mr. Cline said that the property was sold with the provision that funds were escrowed because of the survey and filings.

Mr. Hardt said generally, he would be concerned about changing NBZs, but here given the fact that it backed up to a City park, it seemed to cause no harm, but it is not as though the adjacent neighbors are going to end up with a shed in their backyard that they were not counting on or something like that because there is no neighbor. He said that fundamentally he had no problem with this. He said his only question remaining was on the proposed new plat presented, there is still a 'No-Build Zone' pointing to the old line which seemed to be just as confusing as thing they are trying to fix.

Ms. Husak explained that there was a note on the bottom left corner of the plat that showed the hatched as a legend that said 'No-Build Zone to be Removed.'

Mr. Cline said the proposed revised text also states that this is to revise and remove this area and so now, there will be a new NBZ which is the blue area shown on the amended final plat.

Mr. Hardt said that the text stated the NBZ was to be terminated, but that was not noted on the revised final plat.

Mr. Cline said there had been a lot of discussion between the Engineering Department and people downtown to make sure that it was clear enough for the future.

Mr. Taylor recalled that last year, he had a similar project where the exact same situation appeared along Brand Road, and the issue was the changed interpretation of what is allowed to be built in a NBZ. He said in that case it was a patio that could not be expanded and actually, it needed to be reduced. Mr. Taylor said he understood the financial hardship of replatting a site for something this minor, but he agreed that it was entirely consistent with the area and seemed to be consistent with other lots. He said if everything that has been said is the reason behind this, he had no problem with it.

Joe Budde referred to the aerial view presented and asked what was the structure seen on Lot 62.

Ms. Husak said it was a playground swing set.

Mr. Budde asked if it was a permissible structure to be in that area.

Jill Rotherman, 6455 Newgrange Drive, said it was her understanding from other neighbors that play sets are permitted in a NBZ. She said it existed when they purchased the house.

Steve Langworthy explained there that if it was in a NBZ or a No-Disturb Zone, it would be different. He said since it happened prior to his Dublin employment, he understood it was something to do with the swing set and playground issue that he was sure that many of the Commissioners would remember.

Mr. Budde said that he was just wondering because he thought it looked as though it might have been a shed. He said his question was answered.

Ms. Kramb noted that about five lots south there were another two lots that could be corner lots. She asked if they had the same issue as these lots.

Mr. Cline said they could, but frankly, he was focused only on these three residents solving their problem.

Ms. Newell asked if a Variance might have resolved this issue.

Ms. Husak explained that they could not because there are no variance options for platted NBZs included in the Subdivision Regulations.

Ms. Amorose Groomes requested the three motions.

Motion #1 and Vote – Minor Text Revision

Mr. Taylor moved to approve this Minor Text Modification to modify the Lowell Trace Development Text Exhibit "D: to read: "The required No Build Zone for Lots 62, 63, and 64 is that which is approved on the revised final plat." Mr. Hardt seconded the motion.

Christopher Cline agreed to the condition.

The vote was as follows: Mr. Fishman, yes; Ms. Kramb, yes; Ms. Newell, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Motion #2 and Vote – Amended Final Development Plan

Mr. Taylor moved to approve this Amended Final Development Plan application because it complies with the proposed development text, as modified, and the applicable review criteria. Ms. Kramb seconded the motion.

The vote was as follows: Mr. Hardt, yes; Ms. Amorose Groomes, yes; Ms. Newell, yes; Mr. Fishman, yes; Mr. Budde, yes; Ms. Kramb, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Motion #3 and Vote – Revised Final Plat

Mr. Taylor moved to recommend approval to City Council of this Revised Final Plat application because it complies with the applicable review criteria. Mr. Hardt seconded the motion.

The vote was as follows: Mr. Fishman, yes; Ms. Newell, yes; Ms. Kramb, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

**3. Celtic Crossing
12-082 Z/PDP/PP**

**Hyland-Croy Road
Rezoning with Preliminary Development Plan
Preliminary Plat**

Chair Chris Amorose Groomes introduced the following Rezoning with Preliminary Development Plan and Preliminary Plat application requesting a new residential subdivision with 44 single family lots on 28 acres on the west side of Hyland-Croy Road, north of the intersection with Brand Road. She explained that this application will require two motions and both application components will be forwarded to City Council for the final decision based on the Commission recommendations. She confirmed that Amy Kramb, who had pulled the consented case for questions, did not need to hear the staff presentation prepared by Justin Goodwin.

Amy Kramb noted that on the Preliminary Plat, Lot 20 there was a 20-foot utility easement shown, but no 25-foot rear yard setback was marked.

Justin Goodwin said for the corner lot, two side yards are proposed, rather than a rear yard due to the way it relates to adjacent properties. He explained that there was still a rear yard requirement measured per the development text, but it was not platted. Mr. Goodwin said the rear yard would be angled.

Ms. Kramb referred to the proposed scenic setback by Lot 24. She noted that it cuts across the back corner of the lot.

Mr. Goodwin demonstrated where the previously proposed 35-foot building setback line on the lots near Mitchell-DeWitt was located on the previous Concept Plan. He said one lot has been eliminated and shifted to the west, northward approximately 18 feet from the Mitchell-Dewitt Road right-of-way. He explained that the applicant is now proposing a variable width setback, of 200 feet on the easternmost portion and where it intersects the rear of Lot 24, about 50 feet from the right-of-way, extending across the rear corner of that lot. Mr. Goodwin said that Planning has asked that the applicant provide additional landscape buffering on that portion of that lot within that 50-foot zone. He said that piece of the setback also overlaps the tree preservation zone on the lot. He said the conceptual landscape plan showed a landscape buffer south of the lot in the open space reserve, but Planning has asked that they provide additional landscaping on the lot.

Ms. Kramb noted that the Preliminary Plat did not have the path shown on the Mitchell-Dewitt Road side, but said she knew that they were still working with the Metro Parks to develop it. She asked if a revised Plat would be necessary to show the path.

Mr. Goodwin said if they received approval from Metro Parks to make the path connection, they would continue to show it on the final development plan as shown on the preliminary development plan and it would be included on the final plat. He said explained that the path connection is not being required, but Planning is asking that the applicant make their best effort to seek Metro Parks' approval.

Ms. Kramb asked where the offsite swale mentioned in the Planning Report was shown on the plat.

Mr. Goodwin said the swale was identified on the plat as a 'proposed ditch'.

Ms. Kramb suggested that the sentence structure or Condition 2 was awkward due to the double negative used. She suggested instead the wording, 'That the development text be revised to allow the homeowners to maintain the lawn areas within the tree preservation zone'.

Mr. Goodwin agreed to reword Condition 2.

Ms. Kramb pointed out a typographical error in the preliminary plat condition written in the Planning Report.

Mr. Goodwin said that Planning would also like to modify the preliminary plat condition to include the proposed out loop as a platted reserve as well.

Ms. Kramb asked if there had been any discussion with the school about the students parking within the development during school hours. She pointed out that Scioto High School had posted No-Parking signs throughout the development during specific hours.

Mr. Goodwin said he would ask the applicant to address that situation with the schools.

Ms. Kramb said she thought the proposed 24-inch caliper trees were too large and the inch-per-inch should be a lower number. She said in the text it stated that trees measured 6 to 24 inches can be replaced tree-by-tree versus inch-per-inch, but that anything over 24 inches is per caliper.

Ms. Amorose Groomes said that she had requested that Claudia Husak to see how many caliper inches that represented.

Mr. Goodwin said that Planning has reviewed what the applicant has preliminarily identified for removal and primarily for the stream crossing at Celtic Crossing Drive and along Mitchell-Dewitt Road to improve the site distance to the Metro Parks' path crossing. He said if measured by Code or replacement required per Code that would be approximately 80 trees at 2.5-inches per tree minimum. Mr. Goodwin said with the amount of inches they have currently identified and the requirement as they are proposing, there is one tree they have identified that is greater than 24 inches. He said that tree is actually 25 inches and would require 10 replacement trees. He said the remainder of trees identified thus far would be tree-per-tree or 35 trees would be required as proposed. He said there is a difference of about 54 trees. Mr. Goodwin noted that the conceptual landscape plan seemed to indicate somewhere in the realm of 50 deciduous trees that are simply illustrated, but that would have to be resolved at the time of the final development plan.

John Hardt asked where the 24-inch tree was located.

Mr. Goodwin said unfortunately, it was located at the Celtic Crossing Drive stream crossing.

Ms. Kramb reiterated that she personally would go lower on the number.

Ms. Amorose Groomes said that he said there were approximately 54 trees that are not being replaced. She said that he was said that they were 54 trees short of being able to put those on here. She translated that they equaled about 125 – 130 caliper inches per tree, and that the net loss today is 130.

Mr. Goodwin said that it was 222 inches.

Ms. Amorose Groomes said she was looking for the net gain or loss. She asked if it was correct that the net loss on this property, counting per inch, is about 130.

Mr. Goodwin said that was correct, but that does not include the street trees that will be added as required by the Landscape Code. He said he did not know how many street trees would be required.

Ms. Amorose Groomes said on this site, she thought there would be at least 30 or 40 street trees would be required.

Ms. Kramb referred to page DS-1 in the development text, 4A-2 – Lot Setbacks, C – Side yard. She said the word 'setback' was missing after 'side yard'.

Ms. Kramb said if decisions were made about the tree replacement, obviously the inches would need adjusted.

Ms. Kramb referred to the development text, DS-3 – Architectural Elements, E, and said she felt it was too specific to say 'similar to carriage-style doors'.

Ms. Kramb recalled that at the previous meeting, a fence was proposed between what is now to be wet ponds. She asked if there would still be a fence.

Mr. Goodwin said there was an option in the development text to continue to have a split rail fence in that area, however where lots border the Stream Corridor Protection Zone, it would not be permitted for those portions of the lot that are still within a small portion of the Zone. He said in those areas, the applicant has discussed having a small wooden post that would indicate where the edge of property line is located, but it was not clear if it would be a fence in those other areas.

Victoria Newell and Joe Budde said they had no comments or questions.

Warren Fishman said he counted about 161 street trees on the picture. He asked if the picture was accurate. He said there would be at least two trees on each of the 90-foot lots, and in some cases there would be three trees.

Ms. Amorose Groomes said it appeared that the trees were 30 or 35-foot on center. She said the drawing was not to scale. She asked the applicant if that was truly representative of what the final landscape drawing might look like.

Greg Chillog, The Edge Group, 1400 Goodale Boulevard, Columbus, said that the illustrative plan was close, and that was where they would start. He explained that the numbers always vary based on the individual lot layout, where the driveways are, and where the utilities fall. He said it pretty much follows a 35 to 40-foot run of trees around the perimeter of the site.

Mr. Fishman asked what was the distance on Lot 23 between the side yard and the landscaping.

Mr. Goodwin said the landscape buffer is drawn on the illustrative landscape plan bordering up to the lot line of Lot 23, but the plants would not be right on the lot line. He said he believed they were intended to vary within the zone.

Mr. Fishman asked what the distance there was from the lot line to the water.

Mr. Chillog said it was 25 to 30 feet from the lot line to the water.

Mr. Fishman asked if the side yards were normal.

Mr. Chillog said the side yards were a six-foot minimum totaling fourteen feet.

Mr. Fishman asked if that was on both sides of the lot.

Mr. Goodwin clarified that the side yards were six feet on one side and eight feet on the other.

John Hardt said he was most concerned at the last meeting about the southwest corner, and he appreciated the last lot being moved farther away from Mitchell-DeWitt Road which was an improvement.

He said he was also concerned that the landscape plan shows a landscape buffer treatment there which potentially will block the sightlines again. He said he would like to defer to Ms. Amorose Groomes for advice on what kind of plant material could be used in a landscape buffer treatment that is relatively low and appropriate for a place where there is a sightline problem.

Ms. Amorose Groomes suggested the landscape material not be low, but instead, high with deciduous trees so that you could look underneath them. She said that today, with urban tree growing so prevalent, a clear trunk height of seven feet can be requested. She said that the Commission could specify when there is a final landscape drawing that the trunk height on the trees to be located in that area have a clear trunk height of seven feet which would still give protection and not block the view sheds as much.

Mr. Hardt asked if the Commission would see the detailed landscape planting drawing.

Mr. Goodwin said that the Commission would see the detailed landscape plan with the final development plan, and it could be handled at that time. He pointed out that the intersection sight distance analysis performed by EMH&T suggests that the landscape buffer area would not be within that sight triangle along the new street or the intersection of the Metro Parks trail. Mr. Goodwin said the sight distance triangle was included in the Planning Report.

Mr. Hardt reiterated that he was cautious about the plantings in the landscape buffer.

Mr. Hardt noted that the school had public paths and a highly used site, and there was the Park a highly used site, and there was a connection. He said between the two sites, were two residents' front yards. He asked why the path and crosswalk could not go through the Reserve space to get into the Park without going through the front yards.

Mr. Goodwin said he believed the primary design reason was to couple it with the Celtic Crossing Drive stream crossing and minimize other crossings.

Kevin McCauley, Stavroff Interests, 565 Metro Place South, Dublin, Ohio said if they took it to the other side with the second stream crossing, there would be more trees removed for two culverts. He said it was the best way to save the most trees and did not require two culvert crossings. He said the location chosen was more economical and it saved trees.

Mr. Goodwin said he was not sure that if there was separate pedestrian-only crossing that it would require a culvert, but it would have possibly affected the trees.

Mr. Hardt suspected that it really was due for economic reasons. He said he did not buy the tree argument because this configuration is bringing the path through the stream corridor which would have some tree affect.

Mr. Chillog said that the trees belong to the Metro Parks. He said they could handle access to the park from their end by working around trees and removing trees on their property, but in order to get one access point through the Park, they would have to go very wide with the footprint and work around where the Parks want it to be routed. He said it was not just economics. He said the path is sited as such by working closely with Metro Parks who do not want to remove trees. He pointed out that on the west, the path curves north to avoid trees and to go through an existing break in the woods.

Mr. Hardt referred to the Regional Context Map and said it still showed the previously submitted layout of the development with Lots 24 and 25.

Richard Taylor referred to the development text, DS-2 – Permitted Exterior Materials, 2) Trim Materials B) Shutters shall be considered as trim for purpose of meeting the Residential Appearance Code

requirements, but the Code actually states, 'Trim shall be used when shutters are not used'. He said it seemed redundant and therefore should be stricken from the development text.

Mr. Goodwin agreed it should be stricken from the text.

Ms. Amorose Groomes said she wanted to keep a close eye on the net loss of trees. She said she was not so concerned about counting caliper, as she was the net. She said in her mind, street trees count for the net, so she was hopeful that they get as many of those back as possible. She said it looked like it would be close, so she was okay with that.

Ms. Amorose Groomes invited public comments with respect to this application. [There was none.]

Ms. Amorose Groomes confirmed that all the Commissioners' questions had been addressed.

Motion #1 and Vote – Rezoning with Preliminary Development Plan

Mr. Taylor moved to recommend approval to City Council for this Rezoning with Preliminary Development Plan application because the proposal meets the Community Plan designation for this site and the applicable review criteria for a Planned Development, with eight conditions:

- 1) That additional landscape buffering be provided on the portion of Lot 24 within the Mitchell-Dewitt scenic setback, provided that it does not interfere with stormwater drainage in this location;
- 2) That the development text be revised to allow homeowner maintenance of lawn areas within the tree preservation zone;
- 3) That the applicant construct a left-turn lane with a pedestrian crossing on Hyland-Croy Road, prior to Conditional Acceptance of the subdivision improvement, to the satisfaction of the City Engineer;
- 4) That gaps in the existing tree row along the rear of Lots 1 and 2 be augmented with additional trees/and or other landscape materials as part of the final development plan;
- 5) That existing trees and other vegetation be removed with the construction of the Celtic Crossing Drive/Mitchell-Dewitt intersection as indicated on the Intersection Sign Distance exhibit;
- 6) That the applicant continue to work with the Metropolitan Park District to seek approval of an additional path connection along Mitchell-Dewitt Road for inclusion in the final development plan;
- 7) That technical inconsistencies and omissions in the lot diversity matrix be revised prior to Council review; and
- 8) That the applicant provide verification of formal agreements with the Metropolitan Park District and the Dublin City School District regarding the timing, construction and maintenance responsibilities for all off-site multi-use path and stormwater swale improvements prior to approval of the final development plan.

Ben W. Hale, Jr., Smith and Hale, representing the applicant agreed to the above conditions.

Ms. Newell seconded the motion.

The vote was as follows: Mr. Budde, yes; Ms. Amorose Groomes, yes; Ms. Kramb, yes; Mr. Fishman, yes; Mr. Hardt, yes; Ms. Newell, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Motion #2 and Vote – Preliminary Plat

Mr. Taylor moved to approve this Preliminary Plat application because it complies with the applicable review criteria and the existing and anticipated development standards, with one condition:

- 1) That the preliminary plat be revised to identify the Macha Court cul-de-sac island and the Celtic Crossing Drive 'eyebrow' loop island as platted reserves prior to submission for City Council review.

Ben W. Hale, Jr., Smith and Hale, representing the applicant agreed to the condition.

Ms. Newell seconded the motion.

The vote was as follows: Mr. Hardt, yes; Ms. Amorose Groomes, yes; Ms. Kramb, yes; Mr. Fishman, yes; Mr. Budde, yes; Ms. Newell, yes; and Mr. Taylor, yes. (Approved 7 - 0.)

Commission Roundtable

Amy Kramb said she liked the way the case numbers and names were named the second time the meeting information was emailed. She said previously, when she used iAnnotate, she could not tell which case was which. She said she liked the naming convention used because when she opens the packet, she opens everything in the iAnnotate because it made no sense to her to look at it in DropBox. She said as the information is currently sent, the documents need to be opened to see which case they are.

Ms. Husak said that Mr. Taylor changed the documents and now everyone's documents are synced. She said if they are using iAnnotate and write notes on it, you do not have to synchronize them, but if you synchronize them then everybody can see your notes. She said that it will not automatically synchronize. She explained that the small red arrow was the synchronizer. She suggested when they see the folder for a meeting, if they point with their finger and hold it on the folder, it will pop up 'Copy' and they can copy the entire folder to a location they define.

Ms. Amorose Groomes said she believed there was something better than iAnnotate. She said if they are not synced and the 'X' is hit when touching the tab, it closes and it is gone.

Ms. Husak said it was not gone. She said whatever is done on the iPad, as long as the same document is opened, your notes should be found.

Ms. Amorose Groomes said she returned to DropBox and she opened it in iAnnotate again.

Ms. Husak said that was the problem. She said when you go to DropBox and iAnnotate again, that is not the same document. She said then you have to stay in iAnnotate. She said it could be found again in your iAnnotate library. She suggested it might be helpful if she did some screen shots that showed the paths or clicks necessary to get back to where you were. She said the most helpful thing to do is synchronize your iAnnotate to your DropBox so that you do not ever have to even open DropBox, you would only use iAnnotate because everything that is in DropBox is an iannotate as long as you make iAnnotate communicate with DropBox.

Mr. Hardt said what seemed to work for him was when he knows things are available on DropBox, he just grabs the entire folder and copy it into a different place in his DropBox, and then he works with that one. He said he iAnnotates on his copy.

Ms. Husak said that making a copy would definitely relieve them of the synchronization issue.

Ms. Amorose Groomes reiterated that there must be something other than iAnnotate that meets their needs.

Ms. Husak asked if Ms. Newell or Mr. Hardt had seen anything better to used for notations.

Ms. Newell said she used iAnnotate and did not know if there was anything better. She said she would search to see if she could find another application. She said she had tried four or five different programs for note taking and minutes, and they are all not perfect. She said the way that iAnnotate functions is probably as good as it gets right now.

Mr. Hardt said at the Application Store, there are various applications to provide the opportunity to put commentary in PDF files, but they all have their positives and negatives.

Mr. Hardt asked that when the meeting materials are placed in the DropBox that an email be sent to the Commissioners so that they know they are there. He said the envelope at his door in the past has been a reminder that there is a meeting next week.

Ms. Husak said the envelope would still show up with the plans.

Mr. Hardt said as a heavy DropBox user, anything that went into the folder is synced with his, and he is actually occasionally nearing his limit. He asked if after meetings concluded they could delete the old material.

Ms. Husak said she had deleted old material from past meetings today.

Mr. Budde shared his naming convention thoughts. He said if you click on PZC at the top of iAnnotate they are being ordered by month now, but he would prefer that the year be first, so it would be either 13 or 20130207 and the next meeting below that would be in order.

Ms. Husak said if you put your finger on the file and hold it, you can delete out of there in iAnnotate. She said technically you do not have to have all the extra documents in there because even if they are deleted from DropBox, so that they are not bogging down your DropBox information, they are still in iAnnotate, but you can delete them just by hovering over them, waiting for a second or two, and then hit delete and then they are gone.

Ms. Kramb pointed out that they receive Updates, but could access them without the necessary password.

Ms. Husak said a meeting with IT and Planning is scheduled next week to review the AirWatch program that will automatically allow IT to do background work on their iPads. She said the iPads will be collected eventually so that IT can work on that program.

Ms. Amorose Groomes said she would appreciate receiving some additional iAnnotate insight because she does not use it on a regular basis.

Ms. Husak said she thought navigating was her biggest issue and she had some ideas that would also help Mr. Fishman.

Mr. Budde said when he tried to open a PDF in iAnnotate, he got the message, 'Application Locked. This feature is unavailable in Lock Down mode.' He said he had been unable to open anything.

Ms. Husak said she was worried that was because when he had issues, IT installed AirWatch on his, but did not lock it down yet.

Ms. Amorose Groomes said in some cases, when she checked delete, it said, 'Parent Folder has been marked for sync so the subfolder cannot be unmarked' and she was unable to delete them.

Ms. Husak guessed it was probably because somebody had not synchronized it yet. She said on all of hers, it said they needed to be synchronized.

Ms. Kramb said hers never asked about synchronizing. She said she did not even know it could be synchronized.

Ms. Amorose Groomes asked when everyone was going to leave to go to APA so that they could share airport transportation.

Flora Rogers said that the Commissioners were on the same outgoing flight to Chicago. She said that staff was leaving Columbus on Friday night, because there are sessions Saturday morning and planned to take the 'EL' train from the airport. She said that Ms. Amorose Groomes and Mr. Hardt were returning Tuesday, on the same flight. Ms. Rogers said that Mr. Fishman and Mr. Budde and Planning staff were returning Wednesday on the same flight.

Ms. Newell said that she would be unable to attend the APA Conference, because it was too close to her daughter's wedding arrangements. She apologized to the Commissioners and staff members.

Ms. Amorose Groomes said she did not want to change the way that signs are measured. She said it will get very confusing for them, and they will not catch it. She said she did not think that any of the Commissioners caught the change in the Audi case, and she regretted that. Ms. Amorose Groomes said if they were going to change the Code, then a Code modification can be presented, but this was the way that they had always measured signs, and she would like to continue measuring them until the Code is changed to indicate that they have changed their procedure.

Ms. Amorose Groomes asked if there were any other comments. [There was none.] She adjourned the meeting at 8:13 p.m.

As amended and approved by the Planning and Zoning Commission on February 21, 2013.

